

REMARKS

Claims 1-11, 13-20, 31-46 and 48-58 are currently pending in this application. By this Amendment, claims 1 and 14 are amended. Claim 58 is added. No new matter is added by this Amendment. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1, 4-8, 13, 14, 31-39, 41-44, 48, 49, 52-54 and 55 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,898,443 to Yoshino et al. (hereinafter "Yoshino"). Additionally, the Office Action rejects claims 1, 8, 13-20, 35-37, 40-44, 48-51, 53-56 and 57 under 35 U.S.C. §102(b) as being anticipated by European Patent Application EP 1 093 167 by Yamazaki et al. (hereinafter "Yamazaki"). The Office Action rejects claims 4-7, 31-34, 38, 39, 45, 46 and 52 under 35 U.S.C. §103(a) as being unpatentable over Yamazaki in view of Yoshino. Further, the Office Action rejects claims 1-6, 8-11, 13-20, 31-50 and 51 under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Abstract 2000-323276 by Seki et al. (hereinafter "Seki") in view of Yamazaki, and further in view of Japanese Patent Abstract 06-306181 by Hiraga et al. (hereinafter "Hiraga"), Yoshino, and what is asserted by the Office Action to be the admitted state of the art (hereinafter "ASA"). Finally, the Office Action rejects claim 7 under 35 U.S.C. §103(a) as being unpatentable over Seki in view of Yamazaki, further in view of Hiraga, Yoshino, and ASA, and still further in view of U.S. Patent No. 6,296,354 to Hashimoto. Applicant respectfully traverses these rejections.

First, the Office Action asserts that Yoshino teaches ejection of a material without a solvent dissolving the material. Specifically, the Office Action asserts that "dispersing" as taught by Yoshino is a different process than "dissolving" as disclosed in the Applicant's disclosure. Independent claims 1 and 14 are amended to now recite "dispersing". Both Yoshino and the disclosure of the above identified application define the above terms as processes and media, respectively, for facilitating the movement of a primary substance from a source to a

destination, as discussed in paragraphs [0012], [0024] and [0116]-[0117] of the Applicant's disclosure, and col. 9, lines 26-37 and col. 10, lines 17-24 of Yoshino. Because the terms above, when read in light of the respective disclosures of Yoshino and the Applicant, discuss substantially identical processes and media, we believe that it is apparent that Yoshino does not in fact teach ejection of a material with a solvent dispersing material, and that the claimed subject matter finds proper support for the process of ejection of a first material from a first nozzle without a solvent dispersing the first material in the Applicant's disclosure, as discussed above. The meaning of a particular claim may be defined by implication, that is, according to the usage of the term in the context in the specification. See MPEP 2111.01 (IV).

Additionally, with respect to the above feature, the Office Action, on page 3, asserts that because Yamazaki does not explicitly disclose whether or not a solvent is present, that Yamazaki, therefore, does disclose the above feature as positively recited in the pending claims. However, this assertion is incorrect. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP 2131. Since the Office Action concedes that Yamazaki is "silent" with regard to this feature, Yamazaki cannot expressly anticipate this feature. Further, since the disclosure of the above identified application identifies references which do require solvent to disperse material, the lack of a solvent dispersing material is not inherent to one of skill in the art. Therefore, Yamazaki also cannot anticipate the above feature, as positively recited in the pending claims.

Second, the Examiner asserts that the term "first material" as positively recited in the pending claims, is not sufficiently defined in the claim language, and further asserts that a first material and a solvent may therefore be the same material. These assertions are incorrect. Specifically, wherein an explicit definition is provided by the application for a term, that definition will control interpretation of the term as used in the claim. See MPEP 2111.01(IV).

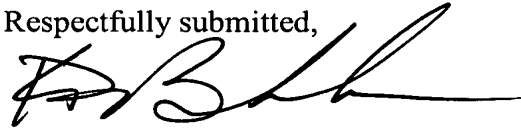
In this case, the term "material" is defined as a solid at atmospheric pressure which is applied to a base, as discussed at least at paragraphs [0005]-[0009]. Further, as discussed and referenced above, and further discussed in paragraphs [0140]-[0141] a solvent is defined as an additive to a material that may deteriorate in a material that lowers the purity of a material. Therefore, because the term "material" is defined in such a way as to be different from the term "solvent," even as specifically as stating that a solvent reduces the purity of a material, the two cannot be the same.

For the above reasons, Yoshino and Yamazaki do not teach, nor would they have suggested, the combination of features as positively recited in independent claims 1 and 14. Further, the applied references of Seki, Hiraga, ASA, and Hashimoto fail to overcome the above deficiencies. Further, claims 2-11, 13, 15-20, 31-46 and 48-58 are also allowable at least for their dependence on allowable independent claims 1 and 14, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Request for Continued Examination

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